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FILED

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NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 CV 17 5702 JCS

12 MORTEZA BENJAMIN RAY KARIMI)
13)
14 Plaintiff)
15)
16 v.)
17)
18 GOLDEN GATE SCHOOL OF LAW,)
19 DEAN ANTHONY NIEDWIECKI, in his)
official capacity,)
20 Defendant)
21)

Case No.

COMPLAINT FOR DAMAGES

1. BREACH OF CONTRACT
2. DEFAMATION
3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

22 **DEMAND FOR A JURY**

23 Comes now Morteza Benjamin Ray Karimi, Plaintiff in the above action, and files this
24 Complaint seeking damages, and further alleges as follows:

25 ////

Introduction

1. Plaintiff was placed on indefinite interim suspension by Dean Anthony Niedwiecki of Golden Gate School of Law on September 14, 2017. Plaintiff was shocked when he received such news. According to the student handbook, interim suspension applies when a student has a hearing pending. For a hearing to be pending there must be charges against the student and the student must be informed of the charges. The procedure mirrors the legal system which our society employs. A form of due process.

2. Plaintiff was denied this due process as promised in the student handbook. There was no charge nor a hearing scheduled. Dean Niedwiecki unilaterally suspended Plaintiff based on a section on the student handbook that applies when a student is pending a hearing. Not only does this constitute a breach of contract, but also a violation of what we as a society consider justice. To deny someone something they paid for without reason or a chance to be heard is not a reflection of our society and government.

3. An email was sent to Plaintiff on September 14, 2017 that said Plaintiff was placed on interim suspension. No reason was given nor any procedural information as required by the student handbook. The email stated that Plaintiff should not email any staff or student. Plaintiff was flabbergasted that the Dean had the power to mandate who he could communicate with. Plaintiff believes that the interim suspension was an extreme form of punishment as it was, but to add restrictions as to who Plaintiff could communicate with was even further insulting and degrading. Plaintiff felt as if he had no rights and his life was totally controlled by the Dean's will.

4. Plaintiff attempted to contact Dean Niedwiecki after he was suspended. Dean Niedwiecki did not respond and only sent an email out three days after the suspension restating what he said in his original suspension letter. This caused Plaintiff severe anxiety. Plaintiff took many risks relocating his family to the United States just so he could attend law school to make a better life for

1 them. Dean Niedwiecki's suspension caused severe depression in the Plaintiff to where he got
2 painful headaches. Plaintiff is very worried about his family and how he will provide for them.
3 Plaintiffs family is currently living under the poverty line and are welfare recipients.

4 5. Dean Niedwiecki sent an email regarding the suspension on September 19, 2017. By
5 that time Plaintiff had practically missed too much class time to have a likely chance to succeed. The
6 contents of the email shows a low opinion of Plaintiff and urges Plaintiff to withdraw. The letter also
7 admits that no charges or complaints were filed but will be filed by Dean Niedwiecki should Plaintiff
8 not withdraw. Plaintiff was to remain on suspension.

9 10 6. Plaintiff has previously been harassed and complained about the handling of the
11 situation before the suspension. Plaintiff also had other complaints in regards to the quality of the
12 classes as well as issues concerning professionalism among teachers and students alike. Plaintiff had
13 informed teachers and students about objections to interferences of class time by students and
14 teachers. This caused a lot of negative reactions among students and teachers. Plaintiff's motivation
15 was to improve the quality of the class and to take full advantage of his educational opportunity.

16 17 7. As well as the negative attitude Dean Niedwiecki holds against Plaintiff, the Dean has
18 also posed Plaintiff to be a threat or a danger. Plaintiff had not checked his email the day Dean
19 Niedwiecki sent the suspension letter and attempted to attend class. Plaintiff was intercepted by
20 campus security and taken to a private room where he was presented with the suspension letter. At
21 the request of the Plaintiff, police were called. Plaintiff attempted to attend class by informing police
22 that he had already paid tuition and is no threat. Some of Plaintiff's classmates saw Plaintiff
23 conversing with police and inquired Dean Niedwiecki about it. Dean Niedwiecki then sent out a
24 security alert email to students. The contents of the letter portray Plaintiff as a threat
25 and a danger. Plaintiff had never acted in such a way to give indication as to being threatening or
26 dangerous.

27 PARTIES

28 8. Plaintiff was a student at Golden Gate School of Law. Plaintiff resided in California

1 to attend school. Plaintiff is originally from Austin, Texas and relocated to California from
2 Texas solely to attend Golden Gate School of Law. Plaintiff no longer resides in California.
3 Plaintiff is, and has been, domiciled in Texas. At the time of his attendance at Golden Gate School of
4 Law, Plaintiff intended to return to Texas.

5 9. Golden Gate School of Law is located in San Francisco, California. Dean Niedwiecki, in
6 his official capacity, holds office at Golden Gate School of Law in San Francisco, California.
7

8 **FACTS**

9 10. Dean Niedwiecki placed Plaintiff on indefinite interim suspension on September 14,
10 2017. The letter states that Plaintiff is not to email any student or staff and to only communicate with
11 him via email. The letter states that Plaintiff is not to return to campus unless invited by Dean
12 Niedwiecki. The letter states that should Plaintiff violate any of Dean Niedwiecki's orders, he will be
13 subject to disciplinary action up to and including expulsion.
14

15 11. After receiving the letter, Plaintiff attempted to contact Dean Niedwiecki through
16 various channels. Plaintiff called Dean Niedwiecki and spoke to him briefly before connection was
17 cut off. Plaintiff tried to call again about fifteen minutes later in a place with better reception but was
18 relayed to voicemail. Plaintiff left a message but was never called back. Plaintiff attempted to call
19 again after the weekend to no avail. Plaintiff also sent emails to Dean Niedwiecki in regards to the
20 suspension and to express his desire to return to school. Plaintiff also informed Dean Niedwiecki that
21 his education is very important for him and his family is depending on him to succeed.

22 12. Dean Niedwiecki responded 3 days later after the suspension reiterating what he had
23 said in his suspension letter. Plaintiff informed Dean Niedwiecki of the importance of time in regards
24 to the American Bar Association (ABA) rule that requires students to attend at least 75% of their
25 classes or they will be dropped.

26 13. Dean Niedwiecki sent an email in regards to the suspension on September 19, 2017.
27 The letter states that Plaintiff was suspended due to a view the Dean held that Plaintiff was a credible
28 threat of disruption or interference with University operation. Dean Niedwiecki also states that

1 that Plaintiff's suspension was to ensure the safety and well-being of the University community.
2 Dean Niedwiecki then states that Plaintiff did not follow the advice of Dean Niedwiecki in regards to
3 contacting other students. Dean Niedwiecki does not go into detail about the allegations.

4 14. Dean Niedwiecki's letter gives the option of voluntary withdrawal, administrative
5 withdrawal, or a complaint being filed against Plaintiff by Dean Niedwiecki. Plaintiff is to remain
6 suspended in the meantime. If Plaintiff does not withdraw, Dean will file a complaint against him.
7

8 15. Plaintiff responded with an email to Dean Niedwiecki asking to return to school to
9 which Dean responded that he could not and urged Plaintiff to withdraw. Dean Niedwiecki did not
10 give further details as to the allegations that constituted the suspension.

11 16. At the time of this complaint, Plaintiff has missed more than two weeks of class with
12 no resolution. Tuition was to be refunded but has not happened at this point.

13 17. On August 18, 2017, Plaintiff was harassed by a student who sits behind him in torts
14 class. Plaintiff had raised his hand to answer on a case another student had been reading in class. The
15 student told Plaintiff to put his hand down because it was not his case. Plaintiff kept his hand raised
16 and asked the professor if it was okay for him to raise his hand and ask questions on another person
17 reading a case. The professor said it was okay to do so. The student then said in a low voice to
18 Plaintiff, " You punk mother fucker.. " to which the rest was not heard clearly by Plaintiff. Plaintiff
19 immediately left class to tell Director of Law Student Affairs, Jessica Bride. A solution was given by
20 Ms. Bride that Plaintiff could move to another seat in the class. This was upsetting to Plaintiff as he
21 chose that particular seat. Plaintiff was then asked to change seats again due to a request brought by
22 the student who sat next to Plaintiff's new seat. Plaintiff refused to change seats again as he felt it
23 was not fair to make him keep changing seats when he was the victim. Eventually, the student who
24 had harassed Plaintiff was convinced to move to another seat in the back of the classroom and
25 Plaintiff returned to his original seat. Plaintiff informed police of the harassment.
26

27 18. On August 31, 2017, one of Plaintiff's professors cancelled a class scheduled on
28 September 1, 2017. The cancellation was due to a request made by a student who desired to have a

1 longer Labor Day weekend. At first, the professor declined. Later on during the class, the professor
2 made an offer that he would cancel class if 100% of the students could answer correctly on a pop
3 quiz. A majority of the students failed the pop quiz. Regardless of the results, the professor canceled
4 the class.

5 19. Plaintiff later expressed his wish of reinstating the class to the professor and Ms. Bride.
6 They both refused to reinstate the class. The professor alleged that he felt students were caught up
7 with the material.

8 20. Around late August, students started making announcements during class time about
9 their student organizations as well as giving speeches about their candidacy for student representative.
10 Professors would finish class early to allocate time for them to speak. Sometimes announcements
11 would start before class but spill over into class time.

12 21. Plaintiff expressed his concern about this to staff and students via email. Plaintiff also
13 expressed his objection to requesting arbitrary class cancellation as well as off topic discussions
14 during class time. This was met with hostility from some students while others agreed. Some students
15 took to calling Plaintiff a coward and a bully to the whole class via email.

16 22. Golden Gate University allowed an outside company to advertise its products and
17 leading students to believe that attendance to the companies workshop was mandatory in an academic
18 capacity. The workshop was scheduled in-between classes and the product was demonstrated to
19 students who could obtain the product if desired.

20 23. Plaintiff had already paid semesters tuition via private loan from Wells Fargo bank.
21 Plaintiff relocated to California to attend Golden Gate School of Law due to a merit
22 scholarship that made tuition substantially more affordable than other schools Plaintiff had been
23 accepted by.

24 24. On September 15, 2017, Plaintiff attempted to attend class. Plaintiff was in the library
25 studying before class when he noticed Ms. Bride enter the library and converse with a group of
26 students seated near Plaintiff. Plaintiff made eye contact with Ms. Bride and acknowledged her
27
28

1 presence. Around ten minutes before class was to begin, Plaintiff prepared to go to class. Plaintiff
2 noticed security guard Mike Koperski enter the library to converse with the same group of students
3 that Ms. Bride had conversed with. As Plaintiff started to walk out of the library, Mr. Koperski along
4 with another man he was with, intercepted Plaintiff from exiting the library and told Plaintiff to
5 follow them to a private room. Plaintiff complied and was presented with the suspension letter.
6 Plaintiff requested police intervention as he felt this was unjust and hoped for police to facilitate his
7 entry into class. Police did not help Plaintiff. Some of Plaintiff's classmates saw Plaintiff speaking
8 with police on their way to class. These classmates then later inquired Dean Niedwiecki about what
9 was happening. In response, Dean Niedwiecki sent an email to students which stated Plaintiff was
10 suspended for behavioral issues. The letter states that Plaintiff did not resist and that there was an
11 increased police and campus security presence on campus.
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15 **FIRST CAUSE OF ACTION**
16 **Breach of Contract**

17 25. Student handbook states disciplinary procedure for violations of student conduct. The
18 procedure consists of due process as required by the ABA. An accused party is first given a
19 notification of the charge and should it proceed further, a hearing. Interim suspension applies to a
20 student pending charges. Plaintiff was never charged with anything. Plaintiff was denied due process
21 as promised in the student handbook. Plaintiff did not engage in conduct that is threatening or
22 dangerous in any way. Plaintiff did not destroy property and was not disruptive on campus.
23

24 26. Dean Niedwiecki did not act in good faith and fair dealing. Plaintiff was suspended for
25 an indefinite amount of time for reasons not presented to Plaintiff at time of suspension. Dean
26 Niedwiecki did not follow up in a timely manner and required Plaintiff to remain on suspension until
27 he withdrew or a complaint was filed against him. Dean Niedwiecki put pressure on Plaintiff to
28 withdraw. Dean Niedwiecki did not cooperate with Plaintiff to resolve the issue in a way where

1 Plaintiff could return to school. Dean Niedwiecki's actions kept Plaintiff out of school long
2 enough for him to be dropped due to ABA standard of attendance. Even if Plaintiff could return to
3 school, he had already missed enough classes to put him at too much of a disadvantage to succeed.

4 27. Dean Niedwiecki did not show willingness to resolve the issue in a way that would not
5 adversely affect Plaintiff and was intent on having Plaintiff leave the school regardless of Plaintiff's
6 desire to stay at that time. Plaintiff was an excellent student who always engaged in class discussion
7 and was told by professors that he was doing a good job. Other students would often ask Plaintiff for
8 help with class material to which Plaintiff happily helped.

9 28. Plaintiff did not have a complaint file against him according to the Dean, and such, did
10 not act out of accordance to student conduct as stipulated in student handbook. Plaintiff had paid all
11 tuition monies by their due date.

12 29. Class was cancelled arbitrarily by a professor. Class was scheduled according to
13 syllabus. Professor cancelled class at the request of a student who wanted to have a longer holiday
14 weekend. Plaintiff attempted to have the class reinstated or be provided with some sort of
15 compensation to which he was denied. Class syllabus was made before the start of the semester and
16 Plaintiff received no notification of any right a professor might have to cancel classes at will. Plaintiff
17 expected classes to be performed as scheduled on the class syllabus unless there was an emergency.

18 30. Quality of classes and professionalism of the Administration was not up to the standard
19 Plaintiff reasonably expected from the school based off of its presentation from their website and
20 from what society would consider an educational environment.
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23 **SECOND CAUSE OF ACTION**

24 **Defamation**

25 31. Dean Niedwiecki sent an email to students regarding Plaintiff's interaction with the
26 police. Some students saw Plaintiff interacting with the police and inquired Dean Niedwiecki about it.
27 The Dean states that Plaintiff was suspended for behavioral issues which explains the increased
28 presence of security and law enforcement on campus. These statements show Plaintiff as a threat and

1 a danger. Plaintiff has never shown any behavior that could be considered threatening or dangerous in
2 any way. Plaintiff has always expressed his concerns in a cordial manner via email and has never
3 confronted an individual on or off campus. Further disgrace was put on Plaintiff by Dean Niedwiecki
4 sending the email to Plaintiff personally. Plaintiff has had friends cut off contact with him after the
5 release of this email. Dean Niedwiecki's emails has caused Plaintiff to be shunned and avoided by
6 former classmates which constitutes libel under California Civil Code §45.
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9 **THIRD CAUSE OF ACTION**
10 **Intentional Infliction of Emotional Distress**

11 32. Dean Niedwiecki's manner of punishing Plaintiff was extreme and harsh. Dean
12 Niedwiecki suspended Plaintiff indefinitely without any reason or opportunity to be heard. This caused
13 Plaintiff severe depression which resulted in headaches. Plaintiff informed Dean Niedwiecki that he
14 has a wife and two children in Texas that are depending on him to succeed. Plaintiff's family is living
15 without income and are living off of welfare. Plaintiff moved his family from China to attend
16 Golden Gate School of Law. Plaintiff took many risks and made many sacrifices to attend Golden
17 Golden Gate School of Law. This information made no change in Dean Niedwiecki's position and
18 further pushed to have Plaintiff leave the school. Plaintiff feels violated and humiliated that he has
19 been kicked out of school without even being given due process as stated in the student handbook.
20 Plaintiff suffers from anxiety and worry as well as embarrassment by Dean Niedwiecki's actions. Dean
21 Niedwiecki has made Plaintiff to feel shame from his security alert email to students, posing him as a
22 dangerous person.
23

24 33. Dean Niedwiecki also stated that Plaintiff was not to contact any staff or student from
25 the school. If Plaintiff violated this order from Dean Niedwiecki, Dean Niedwiecki stated that
26 Plaintiff could be expelled. This further caused Plaintiff to feel violated. Plaintiff had friends from the
27 class that he would regularly talk with and socialize with. Plaintiff felt fearful of associating with
28

1 these friends due to Dean Niedwieck order.

2 34. Plaintiff further feels inferior due to Administration's handling of situations raised by
3 Plaintiff. Plaintiff had reported harassment to the Administration on a student who had made
4 disrespectful and insulting comments to him in class. Plaintiff was offended that he should be the one
5 to move when he was the victim. Plaintiff was then asked to move again due to a request by a student
6 who sat next to Plaintiff in his new seat. Plaintiff objected as he was frustrated with the situation and
7 just wanted to focus on class. The Administration then had the student who had harassed Plaintiff
8 move to the back of the class while Plaintiff moved back to his original seat. Plaintiff feels
9 degraded that he received such a harsh punishment without due process for a reason not clearly
10 stated by Dean Niedwiecki when the student who harassed Plaintiff did not even have to change seats
11 until it became a problem for another student in the classroom besides Plaintiff.

12 35. The actions taken by the Administration had made Plaintiff to feel that he was not
13 worthy of respect and that his concerns were of little importance therefore lowering his self-esteem.
14

15 PRAYER

16 WHEREFORE, Plaintiff prays for relief as follows:
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- 18
- 19 a. Compensation for attending a new law school. Plaintiff received a merit scholarship
20 from Golden Gate School of Law that would save him \$40,000 in tuition costs a year
21 This scholarship was unavailable to Plaintiff from other schools to which he applied
22 and must now pay this \$40,000 to attend another school.
 - 23 b. Should this case gain substantial attention, it could seriously impact Plaintiff's future
24 acceptance from other law schools. He may be denied everywhere he applies to thus
25 excluding him from the legal profession. Plaintiff seeks damages in this event.
 - 26 c. Damages for the severe emotional distress Golden Gate University has caused.
27 Plaintiff has become depressed and developed constant headaches as a result of the
28 suspension. Plaintiff has been humiliated and embarrassed by the school's conduct.

1 Plaintiff must now indure the shame when going back to family members expecting
2 him to succeed.

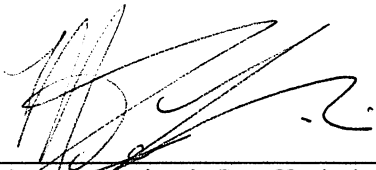
3 d. Costs paid by Plaintiff to relocate to the Bay Area from China which amount to
4 \$2000.

5 e. Damages from being delayed entry into the legal profession by one year.

6 Survey of the average salary of a lawyer in San Francisco shows to be \$120,000.

7 f. Such other relief deemed just and proper.
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10 October 3, 2017

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